

**REMARKS**

Claims 1-15 are present in the instant application. In the most recent Office Action, claims 1-15 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Pat. No. 6,798,893 to Tanaka (hereinafter, "Tanaka"). Applicant respectfully traverses the rejections, for at least the reasons set forth below.

As amended above, claim 1 is amended to recite a data insertion device comprising, *inter alia*, an input device which inputs compressed image data including a plurality of types of pictures. Claim 7 is amended to recite a method of inserting data comprising, *inter alia*, the step of inputting compressed image data including a plurality of types of pictures. Claim 13 is amended to recite a recording medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform a method of inserting data, the method comprising, *inter alia*, inputting compressed image data including a plurality of types of pictures. Claim 14 is amended to recite a computer data signal embodied in a carrier wave and representing a sequence of instructions which, when executed by a processor, cause the processor to perform a method of inserting data, the method comprising, *inter alia*, inputting compressed image data including a plurality of types of pictures. Claim 15 is amended to recite a program product comprising computer readable instructions and a recording medium bearing the computer readable instructions, the instructions being adaptable to enable a computer to perform a method of inserting data, the method comprising, *inter alia*, inputting compressed image data including a plurality of types of pictures. These amendments to the claims find support generally throughout the original specification as filed, and specifically at, among other places, p. 2, lines 10-12. No new matter has been added.

By means of example only, the present invention may be applied to a copy control technique such as copy-once protection. When used in such an application, in order to

watermark copied contents, the present invention would judge the picture type of a video frame. This judgment depends on the just the current frame. However, as recited in the specification, the present invention inserts predetermined information into compressed image data.


In contrast to the claimed invention, Tanaka discloses a technique where a contents-provider may control a watermark pattern to insert the pattern into the baseband, or non-compressed image data. In MPEG video compression, motion compensation is used to exploit temporal redundancy and thereby remove redundancy between video frames. Motion between a preceding and a current frame, and motion between a current and subsequent frame determines the picture type of the current frame. In this context, Tanaka discloses that the insertion intensity of a watermark inserted in to the current frame is dependent on the picture type of the current picture.

Furthermore, as recited in the present claims, a watermark to be inserted is modified to achieve the insertion intensity according to the picture type. In contrast, Tanaka discloses that a watermark selector (107) selects a watermark from a watermark table (108), whereupon a watermark insertion portion (105) inserts the selected watermark. According to Tanaka, the watermarks to be inserted are previously stored and selected, not modified.

It is well-settled by the Courts that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984) Therefore, as demonstrated above, because Tanaka does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated. Favorable reconsideration and withdrawal of the rejection is kindly requested.

In light of the foregoing, applicant respectfully submits that all claims recite patentable subject matter. Applicant kindly solicits an early and favorable indication of allowability of all claims. If the Examiner has any reservation in allowing the claims, and believes that a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,



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